

FILED: April 16, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1418
(EPA-R03-OAR-2021-0873)

STATE OF WEST VIRGINIA

Petitioner

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; MICHAEL
S. REGAN, Administrator, United States Environmental Protection Agency

Respondents

APPALACHIAN MOUNTAIN CLUB; SIERRA CLUB

Amici Supporting Respondents

O R D E R

Respondent United States Environmental Protection Agency (“EPA”) has filed a petition for rehearing en banc of this Court’s January 10, 2024, opinion denying EPA’s motion to transfer or dismiss this appeal. A petition for rehearing

may not be filed prior to entry of judgment. *See* Fed. R. App. P. 40(a)(1).

Accordingly, EPA's petition is denied as premature.

For the Court

/s/ Nwamaka Anowi, Clerk